

PRESS RELEASE

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Protecting Civil Liberties After September 11: Would King be Proud?

More than any American in our nation's history, Dr. Martin Luther King, Jr. would have understood how our civil rights and civil liberties have come under assault since September 11.

King was a target of illegal government surveillance, just as thousands of our Arab American and Muslim brethren are today. He understood that racial profiling and stereotyping of the type being committed by our own Justice Department today are not only immoral, they are unconstitutional. And just as honest and law abiding Americans of Middle Eastern ancestry face hate crimes today, King was a victim of a hate crime, and paid the ultimate sacrifice – his life.

It is indeed a tragedy that nearly forty years after Dr. King so eloquently declared in his Great March on Detroit that “injustice anywhere is a threat to justice everywhere,” we stand on the verge of a civil liberties calamity in this country. The Administration and the Attorney General have taken a series of constitutionally dubious actions that place the Executive branch in the untenable role of legislator, prosecutor, judge, and jury.

Certainly, we stand together as a nation in our collective outrage over the September 11 terrorist attack. However, we do nothing to win the battle against terrorism by sacrificing our precious freedoms and liberties.

We have been down this road of overreaction before. After the Revolutionary War, Congress enacted the Alien and Sedition Acts, making it a federal crime to criticize the government. During the Civil War, Ulysses S. Grant sought to expel all Jews from Southern States and Abraham Lincoln suspended habeas corpus.

After World War I, our government wrongfully beat and deported thousands of immigrants. During World War II, we placed Japanese-Americans in internment camps. During the Vietnam War, law abiding Americans, including Dr. King, were investigated and wiretapped because of their political beliefs. After the Oklahoma City bombing we gutted habeas corpus and decimated our immigration laws.

Four months after September 11, it looks as though we are doomed to repeat these mistakes. To begin with, we have the spectacle of more than one thousand immigrants being detained for unknown and unspecified reasons, and without time limit.

Many of these individuals are now being tried in immigration proceedings that are also closed to the public – more akin to the legal process one sees in a dictatorship than the world's most open and free democracy. One month ago, I was even denied the ability to attend the immigration hearings of one of the nation's most prominent Muslim clerics – Imman Haddad.

Since September 11, our nation has also engaged in a policy of institutionalized racial and ethnic profiling. Not only has the Administration elected to discriminate in granting visas to men from middle eastern countries, but it has targeted 5,000 Arab male visitors for intensive questioning. Surely in 21st Century America we can do better than saying that if you are Arab you are a suspect.

The Attorney General has also issued regulations permitting the Department of Justice to unilaterally intercept attorney-client phone calls. In one fell swoop, he violated the first amendment right to free speech, the fourth amendment right to privacy, the fifth amendment right to due process, and the sixth amendment right to counsel.

In perhaps the most arrogant step of all, the Administration announced the creation of secret military courts. This order is not limited to persons detained abroad engaged in terrorism, but would apply to millions of immigrants who are in our nation lawfully. Without any consultation or authorization from the Congress, President Bush took it upon himself to eliminate nearly all of the due process guarantees in our Constitution.

If Dr. Martin Luther King, Jr. were alive today he would be tell our Attorney General that it is wrong for him to declare that those of us who dare to criticize his policies are “aid[ing] the terrorists” and “giv[ing] ammunition to America's enemies.” He would tell us we must not allow the horrific acts of terror our nation has endured to slowly and subversively destroy the foundation of our democracy – a commitment to equal rights, equal protection, and free speech.

Yet that is precisely the direction the Administration has taken us in the last four months. If we are to truly honor King's legacy, it is up to us to remind the Administration that the Constitution applies just as forcefully after September 11 as it did before September 11.